App. F. IX-4

Previous References

1930.31
(Law)

File No. 124.30

Serial Nos. 1-9

Later References

Law 8-32(1-7) & (8-9)

99

General and Revenue Secretariat.

Serial Nos.

Part B for July 1932

SUBJECT.

R. S 43/23-24 Dt. No. 15/28-29. on the file of the Munsif, Thiruvaiyaru (Shroff Vs. Kalappa Vs Govt of Madras,

G. R. S. APP F. III—1]

GENERAL AND REVENUE SECRETARIAT.

(Law)

NOTES.

FILE HEADING.

O.S. 413 of 23-24 | Ex. No 15 of 28 29 on the file of the Munsiff's Court Shimoga.

FROM The Munsiff ~~Bangalore~~ Shimoga.

No. 497	Dated 31.3.31	Received 2.4

Diary No. 4706	Enclos.	Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

General and Revenue Secretariat | File No. 4706 of 193

Serial No.

It seems that another warrant of similar kind from the Co-operative Bank Shimoga is pending against him to which a sum of Rs 10 is being attached every month. Even then 10 Rs more would have been deducted from the pay according to Sec 60 of the C.P.C. and remitted to the Court in satisfaction of the present decree Now the decree holder has proceeded against the Govt for the satisfaction of the decree according to sec 46 of order XXI of C.P.C. the provisions of which are imperative and claims a sum of Rs 110 being the salary to be attached for 11 months till 1-7-30.

Notice in original is to be signed by the Ch. Sec.y and returned to the Court. A Copy of the Ex. application may be forwarded to the D.C. Tumkur requesting him to submit a report in the matter. The Case stands adjourned to 10th June 1931.

a) For favour of signature to the notice in original.

(Ch: Secy)

BMP
7.4.21

MM
8/4

Serial No.

Letter No 2231/3031 dated 21st April 1931 from the D.C. Tumkur forwarding a report from the Sub-Division officer explaining the circumstances under which the pay of the official was not attached

4) The warrant of attachment of pay of Gurumurthi Rao was received by the Sub-Division officer on 21st August 1929. Till May 1930 the warrant was kept in abeyance on the plea that Rs 10/- was being paid to the Co-op Society Shimoga on account of prior decree. The official is getting a pay Rs 40/- On hearing from the Munsiff again to the effect that another sum may be deducted from his pay the disbursing officer has complied with the warrant of attachment and deducted Rs 10/- from the month of June 1930 and regular payments have been made to the Court till now from June 1930. Now the decree holder has proceeded against Gurumurthi to recover Rs 110/- being the amount that ought to have been recovered from August 1929 till June 1930. In the P.U.D. it is stated that Munsiff has instructed to recover Rs 90/- being the arrears from the date of the warrant

5) The amount due to the decree holder is not known.

Shimoga may be requested to explain
the reasons intimate in early if a
Circular issued recently in such Cases
if non-compliance is to be treated as
retrospective then the Sub-Division officer
held personally liable for Rs 90/

General and Revenue Secretariat | File No. | of 193

Serial No.

6

To

The PPr Shimoga

no. P. 6941 dated 29th April 1931 forwarding a Copy of the report from S.D.O. and enquiring whether under the paid attachment, the S.D was bound to attach Rs. 10/- from the Salary of the judgment debtor from Sept 1929, & whether the remittance from June 1930 Can be said to be in prevent Compliance with the ct order under the Circumstances of the Case

Letter no 589 dated 9th Feb the PPr Shimoga intimating that the information will furnished after the Court

PPr wants to know that what Action was taken by the Sub-division officer between 21-8-1929 the date on which he received the warrant of attachment and Feb 1930 when another reference was received by him from the Munsiff. Evidently no action seems to have been taken by the S.D.O. D however put up enquiring

ISD
17/5

Dft to the PPr. Shimoga is put up accordingly

ISD.

Issue & resubmit

DDP
14/5-

To, PPr Shimoga.
The ~~D.C.~~ ~~Taluk~~
P 7482/ dated 16.5.31
requesting him to forward his opinion

Ltr: No: 606 dated 19.5.31 from PPr Shimoga stating the cases under which the attachment warrant was not executed betn August 1929 & June 1930 by the S.D.O and intimating that in his opinion Govt cannot be held liable under order 21 rule 48 C.P. Code -

1) The facts of the cases are clearly mentioned in the P.V.D.

2) The PPr, Shimoga thinks that since there was no explicit order by the Court betn August 1929 - June 1930 to require the S.D.O. to attach Rs 10/- monthly Govt cannot

Serial No.

successfully raised in this case, when apparently the disbursing officer has not acted in accordance with cl (2) of the rule -

14) There is no ruling of any of the High Courts on the point & as the other point of procedure raised in the last para of the PPR's letter is a correct one PPR may be asked to prepare a d/f to Govt. Sr. & send it ~~for~~ on for approval

Date of Reg is 10/6/31.

Draft to PPr is put up

Legal Rr

15) Govt Rules 21/-
PM. 22/6
MM 22/6

Letter No. C-2475-30 dated 5th June 1931 from the D.C. Tumkur forwarding the report of the D.O. Gubbi

The receipt of the attachment warrant in the month of August 1929 is denied. A representation seems to have been made to the Munsiff pointing out the existance of a previous decree. The Concerned clerk has not brought this fact to the notice of the S.D.O. Tide 7th Feb 1930 for this fault the clerk begs to be excused in his explanation which is also enclosed.

Dft Objection Statement from the PPr Shimoga may perhaps be awaited.

ISD
12/6

Subt the obj. statement 12/6 from the P.Pr Shimoga has not yet been received. A draft reminder to put up.

Serial No.

Letter no. 1 dated 1st July 1930 from the PPr. Shimoga forwarding for signature a Vakalatnama, and promising to submit a detailed report re: the legal difficulties involved in the Case in Course of few days.

re This is an execution Case on the file of the Munsiff of Shimoga arising out of the non Compliance of the warrant of attachment of ~~issued~~ ~~to~~ ~~day~~ of ~~to~~ one Gurumurthi Rao clerk of the Gubbi Sub-Division office. PP was asked to file an objection Statement in the Case. Now he points out that numerous Complications have arisen on account of the laches on the part of the disbursing officer in executing the warrant; and promises to send a detailed report in the matter. The Case stands adjourned to 8th July 1931. As the new PPr is appearing for this Case for the first time he wants to file a vakalatnama which he has now sent for Signature this may be signed and returned to him in time The Promised report will have to be awaited

Sub: for Signature to the Vakalat form.

in the P.V.D. the question will be further worked up. In the meanwhile no Vakalat suit may kindly be signed for return to the P.V. before 8.7.31

(Chief Secy)

Dy
2.7.31

the said sum of Rs 865-13-0 from the salary of the said Guruswamy Rao in monthly instalments of Rs 20/- only and to remit the said sum (or monthly instalments) to this Court."

24) It appears that the clerk was at the time drawing a salary of Rs 40/- and that a sum of Rs 10/- out of it was already under attachment in pursuance of a decree obtained by a Co-operative Society. The S.D.O ought to have returned the warrant with this information immediately but he did not do so, till a Rr was issued by the Court after 25/9/29 On 20/11/29, the date to which the Exec" case was next posted for hearing, the Court returned the warrant to the S.D.O, for execution and posted the case to 18/12/29. Again there appears to have been some delay in the S.D.O's office and it was only on 5.2.30 that the Court was informed again of the previous attachment. On 7.2.30 the Plaintiff wrote to the S.D.O that the decree holder asserted that the salary of the clerk was Rs 50/- and that therefore a sum of Rs 15/- per month may be attached. For the third time, the S.D.O appears to have delayed the matter till 28th may 1930, when again he informed the Court that the pay of the clerk

was only Rs 40/- & that nothing more than Rs 10/- per month was available. The Court then ordered the attachment to effect at that rate alone and adjourned the case to 2-7-1930

25) The warrant was duly executed on 2/6/30 & from 1.7.30, a sum of Rs 10/- is being sent to the Court. The decree holder however applied to the Court on 26.1.31 praying that Rs 110/- being the amount that was available for attachment from August 1929 to June 1930, may be recovered from Govt under order 21 rule 48 C.P. Code

26) Mr Seshasastry, the then PP, opined (Vide his letter of 19th May 1931) that since there was no order for attaching Rs 10/- till 28th May 1930 Govt could not be held liable for non compliance before Aug 29 & June 1. This contention was doubted in paras

The Execn case is said to be posted to 2nd instant

28) As suggested by the PPH, the Govt Advocate may also be consulted. If appd I shall take the file & get his opin personally

Chief Secy

MP
20/7

MLL
21/7/31

29) Forwarded with compliments to the Govt Advocate for favour of opinion as to whether the decreeholder's claim against Govt in this case may be contested

BO
MPrasad
for chief secy to Govt
21.7.31

Returned with compliments.

30) The liability of Government is sought to be enforced because the Disbursing Officer did not return the Warrant of attachment forthwith under clause (2) of Rule 48 of Order 21.

31) But the officer required to return the order of attachment under the said sub clause (2) is an officer appointed by Government under clause (1) of order 21, Rule 48 by notification in the Official

officer has been appointed or if the disbursing - officers are not notified to be such officers for purposes of Rule 48, then the claim of the decree-holder against Government does not seem to be maintainable.

(3) If this contention is not put forward, then the Government cannot plead that they are not liable as under clause (3), they are liable for the amount claimed by the Decree-holder for non-compli ith the requirements of clause (2).

angalore,
1-7-1931.

Serial No.	
	36) A notification has been issued in 1913 appointing the officers to whom notices should be given of orders of attachment of salary (Rule 6 of O.S.S. Rules 61-1 of 23-5-1913) & the same Sec 24/7 is incorporated in Art 56 of Account code
	37) Submitted for perusal. Instructions have been issued to the P.Pr. Shimoga to object to the claim of the decreeholder on the lines indicated in Seshasastry's letter of 19th May 1931

Chief Secy

Letr no 33 dated July 1931 from the PPr. Shimoga forwarding for approval the objection Statement to be filed on 5.8.31

The objection Statement is prepared on the lines noted by the S

PPr. Shimoga.

Subt for appl and Signature

ISD
1/8

Please have the draft prepared by me typed on thick paper with an extra copy for refee

1935 570 ✓

App. F. III—2]

General and Revenue Secretariat	File No.	of 193

Serial No.

TYPING SECTION
3. SEP. 1931
GENL. & REVENUE SECT.

Dft engrossing the orders made on the Case
5 copies for appt
TSD
9/9

Issue
PPP
9/9

Sub A.
TSD
9/9

Issue no. P. 1440 dated 4.9.31.

Letter no. 79 dated 6.9.31 from the PP Shimoga reporting that the Statement in lieu of fine was filed on 5th Aug/31 and the Case stands adjd to 9.9.31

Sub 2 for issue

TSD
9/9

Sub till 15/9

Subs. No further report has been
received & draft for the same
is put up

4/12

3168 of 5/12/31

Rej. to 6.1.32.

Subs for perusal

(Do) WC

4534 Ex. 15/28-29 on the file of the Munsiff, Shimoga
(Shroff Venkatappa vs Govt)

[App. F. III—2

General and Revenue Secretariat | File No. | of 193

Serial No.

From

the PPr. Shimoga

No. 298 dated 31.3.32 intimates that the decreeholders petition is dismissed with Costs

41) This an execution application filed by one Shroff Venkatappa under O. XXI Rule 46 CPC claiming a sum of Rs/110 from Govt for non-compliance of warrant of attachment of Salary of one Gurumurthi Rao, clerk S. D. office Sorabi. the PPr Shimoga informs that the decreeholders petition is dismissed with Costs Dft calling for the copy of the order is put up Sub^{d} for perusal.

1 SD 9/4.

42) Issue & resubmit

DNP 4/4

Issued no. P. 5839 dated 5.4.32

Sub^{d} for Perusal after issue.

15^{D} 7/4.

(Xerox copy)

DSP 7.4

43) [illegible] 13/4

Paras 23 to 27 of these rules explain the facts of the case -

The objections of Govt to the decreeholders claim have been upheld and the appl[n] dismissed with costs.

Submitted for perusal

2nd member)

MP
14/7

Ku
15/7/77

PLR
15-7-77

MP
15/7

4100 of 30
P

WD 1758—GPB—1½,000—1928.

192

From The Munsiff, Shimoga

124-30-1

To The Secretary to the Government
General & Revenue Secretariat
Bangalore.

Dated 27-3-31

Despatched 31-3-31

Received

General No. 497
No.

Enclosure No. 3

Sir,

In forwarding herewith
notices in Execution Case No. 15
of 28-29 on the file of this
Court, in duplicate, together with
a copy of application filed by
the Decreeholder in the above

Case under Order 21 Rule 48, Civil Procedure Code, I have the honor to request that the copy of Service on yourself and the original returned to this court with necessary en a necessary arrangement may kindly be made for the

has made application to this Court for execution of decree in suit No
of 192 -192 , on the allegation that the said decree has been transferred to him
by assignment, this is to give you notice that you are to appear before this Court
on the 20th day of
192 , to show cause why execution should not be
granted.

Given under my hand and the seal of the Court, this 26th day of June 192 .

Appendix F G—1

SUBJECT.....

.....

.....

Dft I

Section Law

File No. 124-30

Serial No. I

No. P 6616(2)

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

To

The D. C. Tumkur.

Date of issue 13/4/31

Signed by.....

Sir,

I am directed to forward herewith a copy of the letter no 497 dated 31.3.31 from the Munsiff, Shimoga together with a copy of the Execution application in O.S. 430 of 23-24 / Exn. no 15 of 28-29 on his file of the Munsiff Shimoga (Shroff Venkatappa vs K. Gurumoorthi Rao, clerk, Gubbi Subdivision office Tumkur) from the Munsiff Shimoga and to request you

over

List of enclosures.....

Copied by.....

Examined by.....

WD 02327—GPB—5,000—15-4-30

What circumstances the warrant of the Salary of Gurumoorthi Rao of attachment was not duly complied with by the disbursing officer

The provisions of Law see 45 of order XXI of C.P.C., is respect are imperative and the Govt liable for any compliance. Refee is invited to the published in the Gazettee of the matter may kindly treated as immediate, and ~~such as a long~~

I have etc

Appendix F 4—1

SUBJECT.....

.....

.....

Dft "

Section Lands

File No.

Serial No. 17 -30

No. P6617 (1)

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 1st

To

The PPr Shimoga

Date of issue 13/4/51

Signed by.....

Sir,

I am di
to forward herewith
Execution application in
O.S. 4 3rd Prog-ve / Exh 15 of 19
on the file of the Munsif
Shimoga (Shroff Venkat
K. Gurumoorthi Rao) a
to request you to ap
for Govt on 10th June
the date to which the C
is posed for Hg. A repo
in the matter has been called
and to obtain an ad

List of enclosures..

Copied by.....

Examined by.....

over

Case: ~~will be passed for~~ may

~~may~~ d. hardly be interred

in due Course.

I have the

ISD 4/11 MP L RK

Appendix F G—1

SUBJECT.....

.....

.....

Diary No. of letter replied to..... .....

General and Revenue Secretariat

( )

the *193*

Date of issue..... 13/4/31

Signed by..... .....

Section ~~Local~~ U

File No. MI-30

Serial No. ~~3~~ 4

No. P 6618 (1)

To

The Munsiff Shimoga

Sir,

I am directed to return herewith duly signed by the Ch. Sec.y the notice in original, in Execution Case no 15 of 28-29 ~~on the file of the Munsiff Shimoga~~ (Shroff Venkatappa vs Gurumoorthi Rao), forwarded with your letter no

The Deputy Commissioner,

T u m k u r.

I am directed to forward herewith a copy of the letter No. 497 dated 31st March 1931 from the Munsiff Shimoga together with a copy of the Execution application in O.S. 43 of 23-24/ Exn.No. 15 of 1928-29 on his file (Shroff Venkatappa Vs K.Gurumurthi Rao, Clerk, Gubbi Sub Division Office, Tumkur) and to -- request you to enquire and report why and under what circumstances the warrant of attachment of the salary of Gurumurthi Rao was not duly complied with, by the disbursing officer.

The provisions of law viz.,Secn. 48 of Order XXI of Civil Procedure Code in this respect are imperative and makes the -- Government liable for any non-compliance. Reference is invited to the Circular No. [illegible] dated [illegible] published in the Gazette

The matter may kindly be treated as immediate.

I have the honor to be,

Sir,

Your most obedient servant

For Legal Remembrancer and
Secy. to Govt.Law Deptt.

TSD

9th April 1931.

The Public Prosecutor,
S h i m o g a.

I am directed to forward herewith an Execution application in O.S. 43 of 23-24/Exn. 15 of 28-29 on the file of the Munsiff Shimoga (Shroff Venkatappa Vs K.Gurumurthi Rao) and to request you to appear for Government on 10th June 1931 the date to which the case is posted for hearing. A report in the matter has been called for from the Deputy Commissioner Tumkur, and on its receipt further instructions will be sent to you.

Further progress of the case may kindly be intimated in due course.

I have the honor to be,
Sir,
Your most obedient servant,

For Legal Remembrancer and
Secy to Govt.Law Deptt.

180

The Munsiff,
S h i m o g a.

I am directed to return herewith duly signed by the Chief Secretary the notice in original, in Execution case No. 15 of 28-29 (Shroff Venkatappa Vs.Gurumurthi Rao) forwarded with your letter No. 497 dated 31st March 1931.

I have the honor to be,

Sir,

Your most obedient servant,

For Legal Remembrancer and
Secy. to Govt.Law Deptt.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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14 4/11/930

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No. Camp C
Encl. nil

DATED. SHIMOGA THE 15-4-1931.
Camp Chitaldrug

From

N. SESHA SASTRI, Esq., B. A., B. L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

To

The Secretary to Government
Law Department
Bangalore

Sir,

I have the honor to acknowledge the receipt of your letter J 6617 (1) Law 126-30-30 dated 9/13-4-1931 with enclosure and to state that I shall appear for Government in Sessions 15/28-29 on the file of the Munsiff of Shimoga on 10.6.1931 as desired and do the needful. I await receipt of further instructions as mentioned in the letter under reference.

I have the honor to be,
Sir,
Your most obedient Servant
N. Sesha Sastri
Public Prosecutor Shimoga Dn

No. Lds Ag-C 2231/30-31 OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

Enc. 2

Dated Tumkur, the 21st April *1931*.

Law Dept-30-5

M.V. Ramaswami, Esquire, M.A., B.L.,

Deputy Commissioner,
Tumkur District, Tumkur.

To

P. Mahadevayya, Esquire, B.A., B.L.,
Legal Remembrancer
& *Secretary to the Government of Mysore,*
.....L. & W.....*Department,*
Bangalore.

22/4

SIR,

With reference to your letter No. 6616-2/ Law 124-30-2 dated 9/13th April 1931 callin for a report as to why the warrant of attachment of pay of Gurumurthi Rao Excise Head clerk, Gubbi Sub Division Office, was not given effect to by that officer etc., I have the honor to forward herewith copy of report received from the Sub Division - Officer, Gubbi Sub Division explaining the circumstances under which it was not complied with.

The warrant appears to have been served on the pay disbursing officer on 2-6-1930 and from 1st July, the instalments at Rs 10/- are being recovered and sent.

Copy of letter No. Gl. 8212/30-31 dated 18th April '31 from the Sub Division Officer, Gubbi Sub Division to the Deputy Commissioner, Tumkur District.

--oo--

Adverting to your Memo No. A.4.C. 2231/30-31 dated the 14th April 1931, I have the honor to state that the attachment warrant was received in this office on 31st August 1929. On another reference received from the - Munsiff in February 1930, a reply was sent to the Munsiff on 20th May 1930 stating that the clerk concerned was - receiving only a salary of Rs 40/- and that out of this a sum of Rs 10/- was being paid to the Co-operative Society, - Shimoga on account of a prior decree. The Munsiff thereupon replied on 31st May 1930 that Rs 10/- may be recovered from the pay of the official and that Rs 90/- being the - arrears from the date of warrant may also be sent. The - warrant was returned after service on 2nd June 1930 and from that date a sum of Rs 10/- is being recovered and sent to the Munsiff's court. The copy of execution application received with the above is herewith returned.

ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರ ಕಛೇರಿ, ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯ, ಚಿತ್ರದುರ್ಗ

ಮೂಲ ದಾವೆ ಸಂಖ್ಯೆ 157/28-ಬಿ ಆಗಿದ್ದು ದಿನಾಂಕ 4.3/ಇಲ್ಲಿ-44

ಫಿರ್ಯಾದಿ ಹೀರಾಲಾಲ್
ಪರವಾಗಿ ವಕೀಲರು ಶ್ರೀ ಕೆ.ಎಸ್.ಬಿ.ಗೌಡ

ವಿ

ಪ್ರತಿವಾದಿಗಳು ತೇಲಂಗ್
ಮತ್ತು ಇತರರು

ಪ್ರತಿವಾದಿಗಳ ಹಾಜರಿಗಾಗಿ ಸಮನ್ಸ್ - ಆರ್ಡರ್ 21 ರೂ. 48

ಫಿರ್ಯಾದಿ ಹೀರಾಲಾಲ್ ಮತ್ತು ಇತರರು ಪ್ರತಿವಾದಿಗಳು ತೇಲಂಗ್ ಮತ್ತು ಇತರರ ವಿರುದ್ಧ ಸಲ್ಲಿಸಿರುವ ಮೂಲ ದಾವೆ ಸಂಖ್ಯೆ 157/28-ಬಿ ರಲ್ಲಿ ಪ್ರತಿವಾದಿಗಳು ಹಾಜರಾಗಲು ದಿನಾಂಕ 6-2-29 ರಂದು ಪ್ರತಿವಾದಿಗಳಿಗೆ ಸಮನ್ಸ್ ಜಾರಿಯಾಗಿದ್ದು ಸದರಿ ಸಮನ್ಸ್ ಅನ್ನು ಪ್ರತಿವಾದಿಗಳಿಗೆ ಜಾರಿ ಮಾಡಲು ಕೋರಿ ಫಿರ್ಯಾದಿಯವರ ವಕೀಲರು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಅರ್ಜಿಯನ್ನು ಪರಿಶೀಲಿಸಿ ಸಮನ್ಸ್ ಜಾರಿ ಮಾಡಲು ಆದೇಶಿಸಿದ್ದು ಸದರಿ ಸಮನ್ಸ್ ಅನ್ನು ಪ್ರತಿವಾದಿಗಳಿಗೆ ಜಾರಿ ಮಾಡಲು ಫಿರ್ಯಾದಿಯವರ ವಕೀಲರಿಗೆ ಕಳುಹಿಸಿಕೊಡಲಾಗಿದ್ದು ಸದರಿ ಸಮನ್ಸ್ ಅನ್ನು ಪ್ರತಿವಾದಿಗಳಿಗೆ ಜಾರಿ ಮಾಡಲು

ಗಳಿಗೆ ತೆರಿಗೆ ಹಾಗು ಉಪಾಧ್ಯಕ್ಷರುಗಳು ಹೇಳಿದಂತೆ
ತಕ್ಕೆಗಳನ್ನು ಕೊಡಲಾಗಿದೆ ಈ ಬಾಬ್ತಿನ ಖರ್ಚು
ಬಾಬ್ತಿನ ಮೇಲೆ ಬಿಲ್ಲು ಕಟ್ಟಿ ಸಹಿ ಮಾಡಿ ಕೊಡಲಾಗಿದೆ
ಬಾಬ್ತಿನಲ್ಲಿ ಹೆಚ್ಚಾಗಿ ಖರ್ಚು ಆಗಿರುವುದಿಲ್ಲ ಆ
ಬಾಬ್ತಿನ ಹೆಚ್ಚು ಇದೆ ಹಾಗೆಯೆ ಕೆಲವು ಕಡೆ ಖರ್ಚು ಆಗಿ
ಇ 2-7-30 ರವರೆಗೆ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಮಾಡಿ ಸಿ
ಬಾಬ್ತಿನ ಖರ್ಚಿಲದ ಅಂದಾಜಿಗೆ 1928 ನೇ ಇಸವಿ ಸಾಲಿ
ಮಾಡಲಾಗಿ 1930ನೇ ಇಸವಿ ಸಾಲಿನ ಖರ್ಚಿನ ಬಾಬ್ತಿ
ಗಳಿಗೆ ಬಾಬ್ತಿನ ಮೇಲೆ ಹೆಚ್ಚಾಗಿ ಖರ್ಚು ಆಗಿರುವ
ಅಲ್ಲಿ ರೂ 110/- ಹೆಚ್ಚಾಗಿ ಖರ್ಚು ಆಗಿರುವುದಕ್ಕೆ ಸಂ
ಬಾಬ್ತಿನ ಖರ್ಚಿನ ಮೇಲೆ ಹೆಚ್ಚಿನ ಖರ್ಚು ಆಗಿರುವ
ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳಿಂದ ಸಹಿ
ಬಾಬ್ತಿನ ಹೆಚ್ಚಿನ ಖರ್ಚಿಗೆ ಸಂಬಂಧಪಟ್ಟ

Appendix F G—1

SUBJECT.....

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Section Leave

File No. 124-30

Serial No. 6

No. 6941

Diary No. of letter replied to.....

General and Revenue Secretariat

(

the *193*

To

The PPr. Shimoga.

Date of issue 29-4-31

Signed by.....

Sir

With reference to your letter no Camp C dated 15th April 1931 intimating that Ex 3 15 of 28-29 on the file of the Munsiff Shimoga is posted to 10th June 1931, I am directed to forward herewith a copy of the report from the Sub-division office Gubbi explaining the circumstances under which the warrant of attachment was not executed

List of enclosures.....

Copied by.....

Examined by.....

from August 1929 the date
of receipt of the warrant by him
and to request you to
ascertain and report from the
Court records the terms of the
warrant of attachment sent to
the Gudur Sub-Division office.

I am to enquire
whether under the said
attachment warrant, the
J. D. O. was bound to
attach ~~the~~ Rs. 10 of from the
salary of the Judgment Debtor
Srinivasa Rao from Sept.
1929 and ~~onwards~~ and whether
The remittance from June 1930 (
~~is it not sufficient if the~~
be said to be a sufficient compliance
~~payments have been made~~
under the ~~last~~ Circumstances (
~~regularly from June 1930.~~

The matter may kindly
be treated as ~~immediate~~ very i

I have e

ISD
25/4

MJ
25-4

L R[illegible]

28th April 1931.

29

6941
24-30

The Public Prosecutor,
S h i m o

With reference to your letter No. Camp C dated 15th April 1931 intimating that Exn. 15 of 28-29 on the file of the Munsiff Shimoga is posted to 10th June 1931, I am directed to forward herewith a copy of the report from the Sub Division Officer Gubbi explaining the circumstances under which the warrant of attachment was not executed from August 1929 the date of the receipt of the warrant by him and to request you to ascertain and report from the court records the terms of the warrant of attachment sent to the Gubbi Sub Division Officer.

I am to enquire whether under the said attachment warrant, the Sub Division Officer was bound to attach Rs. 10/-from the -- salary of the judgment debtor Gurumurthi Rao from September 1929 whether the remittance from June 1930 can be said to be a sufficient compliance with the court order under the circumstances of this case.

The matter may kindly be treated as very urgent.

I have the honor to be,

Sir,

Your most obedient servant,

For Legal Remembrancer and
Secy. to Govt.Law Deptt.

5284/P83

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No. 589.
Encl.

DATED. SHIMOGA THE 9th. May 1931.

From

N. SESHA SASTRI, Esq., B. A., B. L.,
PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

To

The Secretary to Government,
Law Department,
BANGALORE.

Sir,

With reference to your letter No. 6941/Law 124-30-6 dated 29-4-31 asking me to ascertain from the Court records and report the terms of the warrant of attachment sent to the Gubbi Sub-Division Officer in Ex. 15/28-29 on the file of the Munsiff of Shimoga, I have the honor to state that the information called for will be sent soon after the Courts reopen on the 18th. instant.

From the letter of the Gubbi Sub-Division Officer, copy of which has been sent with your letter under reference, it is not clear what action was taken by that officer between 21-8-1929 on which date he received the warrant of attachment and February 1930 when another reference was received by him from the Munsiff. This may be kindly ascertained from the Sub-Division Officer and intimated to me. On receipt of the information, the opinion called for will be furnished.

I have the honor to be,
Sir,
Your most obedient servant,
N. Sesha Sastri
Public Prosecutor,
Shimoga Division.

13th May 1931.

The Deputy Commissioner,
T u m k u r.

With reference to your letter No. L.Di s- A4-C 2231/30-31 dated 21st April 1931 forwarding a copy of the report in the matter of non compliance of warrant of attachment of pay of Gurumurthi Rao, Excise Head Clerk, Gubbi Sub Division Office. I am directed to enquire what action was taken by the Sub Division Officer between 21st August 1929 the date on which the warrant of attachment was received by him and February 1930 when another reference was received by him from the Munsiff.

The matter may kindly be treated as urgent.

I have the honor to be,
Sir,
Your most obedient servant,

For Legal Remembrancer and Secy.
to Government Law Deptt.

Appendix F G—1

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the *19*

Date of issue 1/5/31

Signed by.....

Section Leave
File No. 1 Lee-30
Serial No. 46
No. 7996

To
The D.C. Tumkur

Sir,

With reference to your letter no. LDis - Agr - C 2231/30-31 dated 21st April 1931 forwarding a copy of the report in the matter of non Compliance of warrant of attachment of pa of Gurumurthi Rao, Excise Head Gubbi Sub Division office I am directed to enquire what action was taken by the S.D.O between 21st August 19[illegible] the date on which the warrant of

[over

B—25,000—25-6-30

and Feb 1930 when another reference
was received by him from the Municipality.
The matter may kindly be
treated as urgent.

ISD.

Dhaneek

DMP

DSLR

Appendix F G—1

SUBJECT.....

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Section Excise

File No. 124-30

Serial No. 9

No. 7482 (7)

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

To

The Pfr. Shimoga

Date of issue 10-5-31

Sir,

Signed by.....

With reference your letter no 589 dated May 1931 in the matter of non-compliance of warrant of attachment of pay of Gurumurthy Rao, Excise Head clerk, S.D.O. Gnl I am directed to forward herewith a copy of the letter No. P. 7396 dated 13th May 1931 addressed to the D.C. Tumkur and to request that the forwarded report may be se

List of enclosures.....

Copied by.....

Examined by.....

2)

as soon as the Court are

since it need not

opened, ~~xxxxxxxxxxxxxxxxxx~~

await the reply from the S.D.O.

I have the

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, ~~15th May 1931.~~

No.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Public Prosecutor,
S h i m o g a.

Sir,

With reference to your letter No. 589 dated 9th May 1931 in the matter of non-compliance of warrant of attachment of pay of Gurumurthi Rao, Excise Head Clerk, Sub Division Office Gubbi, I am directed to forward herewith a copy of the letter No.I. 7396 dated 13th May 1931 addressed to the Deputy Commissioner Tumkur and to request that your report may be sent as soon as the Courts are re-opened since it need not await the reply from the Sub Division Office.

I have the honor to be,
Sir,
Your most obedient servant,

For Legal Remembrancer and
Secretary to Govt.Law Dep

5424/30

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

DATED. SHIMOGA THE 19th May 1931.

From

N. SESHA SASTRI, Esq., B. A., B. L.,
PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

To

The Secretary to Government,
Law Department,
Bangalore.

Sir,

With reference to your letter No. 7482(1)/law-24-30-9 dated 16-5-31 calling for my opinion regarding the noncompliance of the warrant of attachment in Ex. 15/28-29 on the file of the Munsiff of Shimoga, I have the honour to forward herewith a copy of the warran of attachment issued to the Sub-Division-Officer, Gubbi. According to the warrant, the Sub-Division-Officer was required to withhold a sum of Rs 20/- from the pay of the judgment-debtor, Gurumurth Rao and there is nothing in the warrant to state that in case the pay of the judgment-debtor was already under attachment, but not to the full extent of the attachable portion, the balance was to be attached and remitted. O 21. R48 (2) provides for the return of th attachment warrant only when the attachable portion of the judgment debtor's salary is being withheld in purauance of a previous unsatified order of attachment and does not provide for a contingency of the kind referred to above.

In the present case, it is found from the order-sheet that on 16-8-29 the warrant of attachment was sent to the Sub-Division-Officer, the date fixed for its return being 18-9-29. On 18-9-29 the warrant was not returned and the case was adjourned to 25-9-29 On 25-9-29 also the warrant was not returned and a reminder was ordered to be issued and the case adjourned to 20-11-29. On 20-11-2 the warrant was returned unexecuted as the Sub-Division-Officer reported that Rs 10/- out of the salary of the judgment-debtor (Rs 40 was being attached by the Co-operative Bank and the warrant was re-

returned . The warrant was returned to the Sub-Division-Officer and he was asked to execute it, but there was no specific direction that Rs 10/- should be attached and sent. The case was then adjourned to 18-12-29. On 18-12-29 the warrant was not returned and the case was adjourned to 5-2-30. On 5-2-30 the Sub-Division Officer reported that the salary of the judgment-debtor was only Rs 40/- of which Rs 10/- was being attached by the Shimoga Co-operative Bank. The same warrant was reissued and it was pointed-out that even in that case Rs 10/- remained to be attached. It was also stated that the decree-holder asserted that the pay of the judgment-debtor was Rs 50/- and so money must be sent at Rs 15/- a month to the court. The case was adjourned to 19-3-30. On 19-3-3 the warrant was not returned and the case was adjourned to 2-4-30 and again to 28-5-30. On 28-5-30 the warrant was returned unexecuted stating again that the pay of the judgment is only Rs 40/- and so only Rs 10/- can be attached and the court ordered the Sub-Division-Officer to attach at that rate and returned the warrant adjourning the case to 2-7-30 The warrant was executed on 2-6 and from 1-7-30 a sum of Rs 10/- is being sent to the court. It thus seen that immediately on the court ordering attachment at Rs Rs 10/- a month, the warrant was executed I therefore think that it can be reasonably contended that the warrant of attachment has been complied with.

There is one more point be noted in this connection. In the application now filed, Government is not made a party and the application is only against the judgment-debtor. Only there is a prayer that the amount may be ordered to be recove from Government. In a case reported in 14 Indian Cases 737, it is held that no order can be passed against Government without bringi it on record. It is therefore, submitted that the application is

IN THE COURT OF THE MUNSIFF OF SHIMOGA.

O.S. 43/23-24

Ex. 15/28-29

Plaintiff	Defendent
S. Venkatappa	Gurumurthi Rao

To,

The Gubbi Sub-Division-Officer,

Tumkur.

Whereas K. Gurumurti Rao, judgment-debtor in the above named case is a clerk in your office receiving his a salary or allowance at your hands and whereas saroff Venkatappa decree-holder in the said case has applied to this caurt for the attachment of the salary (or allowances) of the said Gurumurthi Rao to the extent of Rs 865-13-0 due to him under the decree; you are required to withhold the said sum of Rs 865-13-0 from the salary of the said Gurumurthi Rao in monthly instalments of Rs 20/ only and to remit the said sum (or monthly onstalments) to this court.

Given under my hand and the seal of this court this the 16th day of August 1929.

Appendix F G—1

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the *193* .

Date of issue 22/5/

Signed by

List of enclosures.....

Copied by

Examined by.....

Section

File No.

Serial No.

No. 7556

To

The Public Pr
Shimoga

Sir

-- With reference to your letter No: 606 dated 19th idem, regarding the attachment of Salary & in fr 15 of 28.9 & on the file of the Shimoga Munsiff's court, I am Due to request you to prepare a draft objection Statement on the lines indicated

in Yours letter and send the same for approval.

Since the date of hearing is 10 6·31, the matter may be treated as very urgent

Thanks

22nd May 1931.

The Public Prosecutor,
Shimoga.

With reference to your letter No. 606 dated 19th idem regarding the attachment of salary in Ex.15 of 28-29 on the file of the Shimoga Munsiff's Court, I am to request you to prepare a draft objection statement on the lines indicated in your letter and send the same for approval.

Since the date of hearing is 10th June 1931, the matter may be treated as very urgent.

I have the honor to be,
Sir,
Your most obedient servant,

For Legal Remembrancer and

35 2617 of 30

No. Nom 4. C-2478-30

Enc. Musee only

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

Dated Tumkur, the 5th June *193* 1.

FROM M.V. Ramaswami Esq., M.A., B.L.,
~~G.B. HEBBLIKAR, ESQ., B.A., LL.B.,~~
Deputy Commissioner,
Tumkur District, Tumkur.

To

P. Mahadevayya Esq., B.A., B.L.,
~~Chief~~ *Secretary to the Government of* Law Department,
H. H. the Maharaja of Mysore, Bangalore.

SIR, P 4/6

With reference to your letter No.P.7306/Law dated 13th May '31, enquiring what action was taken by the Sub Division Officer between 21st August 1929 and the date on which warrant of attachment of pay of Gurumurti Rao, Excise Head Clerk was received by him etc., I have the honour to forward herewith in original the report received from the Sub Division Officer, Gubbi Sub Division, who states that on receipt of warrant in the month of August 29 a representation was made to the Munsiff's Court regarding the pay of the official and the fact that there was already a decree relating to dues to the Co-operative Society towards satisfaction of which the official was paying Rs.10/- and that the clerk brought the matter to his notice on reference from the Munsiff in February 30. The explanation of the clerk is also herewith submitted.

I have the honor to be,

Sir,

Your most obedient servant,

For Deputy Commissioner,
Tumkur District.

T.M.C. 5/6

Immediate

No. Ac. 429 Office of the Sub Division Officer,
30.5.31 Gubbi Sub Division,
Exp. Thro. Dated, Tumkur, the 2nd June 1931.

From

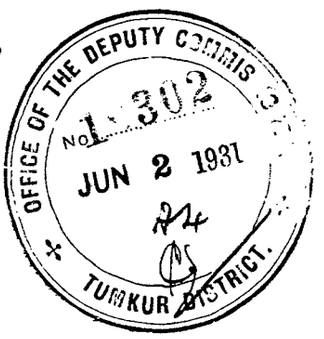
The Sub Division Officer,

Gubbi Sub Division, TUMKUR.

To

The Deputy Commissioner,

Tumkur District, Tumkur.



Sir,

Adverting to your Memo No. C.2475/30-31 dated the 19th May 1931 forwarding copy of letter No.P.7396/Law Department dated the 13th May 1931 and calling for a report thereon, I have the honor to state that soon after the receipt of the warrant in the month of August 1929, a representation seems to have been made to the Munsiff's Court regarding the pay of the official and the existance of a previous decree, as could be seen from the letter of the Munsiff in February 1930 - a copy of which is enclosed. On this a reply was sent on 20th May 1930 as already reported. From the enclosed it is seen that the matter was under correspondence.

I took charge of the Office on 9th December 1929 and the clerk concerned did not bring this to my notice till a reference was received by the Munsiff in Feby 30. The explanation of the clerk is enclosed.

I have the honor to be,
Sir,
Your most obedient servant,

Sub Division Officer,
Gubbi Sub Division.

Submitted

37

The Salary attachment warrant in case no 15/28.29. of Sirsiqui Munsiff's Court received in the office on 21-8-1929.

As a portion of my pay was being sent towards the Sirsiqui Co-operative Bank dues and as the warrant was to be executed after the satisfaction of the said dues the same was kept in the office till 20-5-1930. and I beg to be excused for the delay

I am paying Rs 10/- towards the said dues since 1-6-1930

Copy of memo No. 484 dated 7-2-30 from the Munsif Shimoga.

--:00:--

In returning herewith the salary attachment warrant of the Judgement Debtor Gurumurthy Rao, I have the honour to point out that granting that judgement deboter's salary being ₹40/- a month as stated, ₹30/- remains after the payment towards the decree of the Co-operative Socity. The decree holder - asserts that the pay of the official is ₹50/- a month. Under - these circumstances a sum of ₹15/- a month may kindly be attached and sent tho this Court till the decree is fully satisfied.

--"C O P Y"

Sub Division Officer,
Gubbi Sub Division.

23 P 37. 39

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No. 1
Encl. 1

DATED, SHIMOGA THE 1st July 1931.

From

B. Krishna Rao, Esq., B.A., B.L.,
~~N. SESHA SASTRY, Esq., B.A., B.L.~~
PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

To (Law)
2 JULY 1931

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
BANGALORE.

Sir,

Subject:- Ex. Case No. 15 of 28-29 on the file of the Munsiff of Shimoga.

With reference to your letter No. P. 1916/Law dated 22nd June 1931, I have the honor to state that the above Execution Case was for hearing on 10-6-1931. But I was away at Chitaldrug camp on the said date in connection with the conduct of Sessions Cases arising out of incendiarism at Davanagere during Moharrum disturbances of 1929 and hence the case was adjourned to this day. So the case came up for hearing this day and I have undertaken to file a vakalat from the Government.

As Mr. Sesha Sastry is no longer the Public Prosecutor on account of my appointment as such, the Government has to empower me by executing a vakalat in my favour. Hence, I have herewith sent a duly filled vakalat form and request you to kindly affix your signature thereto and return the same to me before 8th July to which date the case stands adjourned for orders.

As regards objections to be filed in the case, I am of opinion that complications have arisen on account of the latches on the part of the disbursing officer in executing the warrant issued by the Court and the Government is liable for the amount with-held under the provisions of order 21, rule 48, C.P. Code.

I am submitting to you a detailed report re: the legal difficulties

difficulties involved in the course of a few days.

I have the honor to be,
Sir,
Your most obedient servant,

B. Kuthuman Rao

Public Prosecutor,
Shimoga Division,
SHIMOGA.

Appendix F G–1]

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretar

( )

the *193*

Date of issue.....

Signed by.....

Section

File No.

Serial No.

No.

To

The PPr. Shimoga

Sir,

I am directed to return herewith duly signed the Vakalat to be filed in Ex. Case no 15 of 28-29 on the file of the Munsiff Shimoga, enclosed with your letter no 1 dated 1st July 1931

The Branch report regarding the ~~case~~ merits of the case ~~re~~ the legal difficulties involved may kindly be sent early as the case is being awaited.

Immediate

No. 19.

Office of the Public Prosecutor,
Shimoga Division,
Shimoga, dated, 16th July 1931.

From

B. Krishna Rao, Esq., B.A., B.L.,
Public Prosecutor,
SHIMOGA.

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
(Law Section), BANGALORE.

Sir,

Subject:-- Ex. C. No. 15/28-29 on the file of Munsiff, Shimoga (Shroff Venkatappa Vs. Gurumurthi Rao).

My predecessor's letter No. 606 dated 19th May 1931 gives the history of the case and the series of adjournments granted by the Court for the execution of the warrant.

The attachment warrant issued by the Court directed the Sub Division Officer to withheld the sum of Rs. 865-13-0 due by the judgment debtor to the creditor, from out of the former's salary in monthly instalment of Rs. 20/- only and to remit the said sum (or monthly instalments) to the Court. So that the warrant was to the effect that not more than Rs. 20/- per month was to be withheld and it cannot be construed to mean that any sum lessthan Rs. 20/- per month could not be attached. And further the warrant directs that the said sum, namely 865-13-0 or "monthly instaments" whatever that be remitted to the Court. The effect of the warrant is that notmore than Rs. 20/- per month should be withheld from the salary and the sum so withheld each month should be remitted to the Court until the whole amount of Rs. 865-13-0 due to the creditor is satisfied. This seems to my mind, to be the legal inference to be drawn from the wording of the warrant.

Under O. 21, R. 48, Sub rule (1), C.P.C. where the property to be attached consists of salary of a public officer the court

mayorder that the amount shall, subject to the provisions of S. 60, be withheld from such salary either in one payment or by monthly in stalments as the case may be and upon notice of the order, the officer or other person whose duty it is to disburse such salary or allowances shall withheld and remit to the Court the amount due under the order or the monthly instalments as the case may be. The following sub rule (2) provides that where attachable proportion of such salary is already being withheld and remitted to a court in pursuance of a previous and unsatisfied order of attachment, the officer appointed to disburse the salary shall forthwith return the subsequent order to the Court issuing it with a full statement of all the particulars of the existing attachment.

In this particular case as the salary of the judgment-debtor Gurumurthi Rao is Rs. 40/- the portion of his salary which is not attachable under the proviso (i), (ii) of S. 60, C.P.C. is Rs. 20/- and hence the "attachable proportion" of his salary is Rs. 20/- onl The Sub Division Officer's report dated 5-2-30 mentions that Rs. 10/- out of the judgment debtor's salary of Rs. 40/- was being attached by the Shimoga Co-operative Bank and shows that the "attachable proportion" of his salary was not withheld and being remitted to a Court as contemplated by O. 21, R. 48(2), C.P.C. In these circumstances, the disbursing officer has not complied with law in not effecting the attachment of salary to the extent of Rs. 10/- out of the "attachable proportion" and in merely returning the warrant of attachment. For, under O. 48, R. (2) the disbursing officer can only return the Court order or warrant only when the "attachable proportion" is being with held and remitted to a court in pursuance of a previous unsatisfied order which is

liable for any sum paid in contravention of this rule. This rule seems to my mind, mean that the return of Court ~~xx~~ order or warran by the disbursing officer in order to be valid, should be in due compliance with the provisions of O. 21, R. 48(2) and that in case that the said return is not in compliance with the provision of O. 21, R. 2 the order of the Court for attachment of salary shall bind the Government without further notice or process and that the Governmentshall be liable for any sum paid on contravention of the rule, so that the liability of the Government for the payment of any money made in contravention of O. 21, R. 48(3) seems to be absolute in all cases where the disbursing officer has not duly complied with the provisions of Rule 48(1) to (3).

The argument that the Court warrant did not specifically state as to what should be done in case some amount out of it was already under attachment is no justification for the disbursing officer to withhold the attachment of the balance of "attachable proportion" and to remit the same ~~xxxxxxxxx~~ to the Court, as he can return the warrant only where the attachable proportion was already under attachment and remitted to Court which is not what has happened in this case.

In these circumstances, I am unable to agree with my predecessor that the warrant of attachment has been duly complied with by the disbursing officer and submit that in my opinion the Government cannot have any tenable ~~xxxx~~ objections to the prayer of the Decree-holder to recover the amount of Rs 110/- from the Government which is the amount which shouldhave been withheld from the salary of Gurumurthi Rao during 11 months in question.

As the case stands posted to 22nd instant for filing objectin on behalf of Government, I solicit immediate instructions and stat that the Government Advocate, may, if necessary be consulted in the matter.

I have the honor to be,
Sir,
Your most obedient servant,
B. Krishna Rao
PUBLIC PROSECUTOR.

Appendix F G—1

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue.....

Signed by.....

Section

File No.

Serial No.

No. P 47

To

The Public Prosecutor

Shimoga

Sir,

With reference to your letter No. 19 dated 16th July 1931 regarding Ex.C. No 15 of 28-29 on the file of the Munsiff, Shimoga (Shroff Venkatappa vs Gurumurthi Rao), I am directed to state that the application of the decree holder to make Govt liable under order 21 rule 48 of the Code of Civil Procedure

may be contested on the grounds
set forth in your predecessor's
letter No. 606 dated 19th May 1
and the decision of the Court
thereon.

The Chief

The Public Prosecutor,
Shimoga.

With referenceto your letter No.19 dated 16th July 1931 regarding Ex.C.No.15 of 28-29 on the file of the Munsiff, Shimoga (Shroff Venkatappa Vs Gurumurti Rao), I am directed to state that the application of the decree holder to make Government liable under order 21 rule 48 of the Code of Civil Procedure may be contested on the grounds set forth in your predecessor's letter No.606 dated 19th May 1931 and the decision of the Court obtained thereon.

I have the honor to be,

Sir,

Your most obedient servant,

CHIEF SECRETARY TO GOVERNMENT.

48 S70 1931

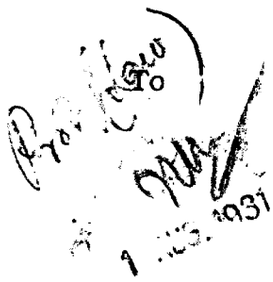
OFFICE OF THE PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

No. 38.
Encl. 1

DATED. SHIMOGA THE 30th July 1931.

From

B. KRISHNA RAO, ESQR., B. A., B. L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.



To

Chief Secretary
to
The Govt. of H. H. The Maharaja of Mysore
Bangalore (Law department)

Subject Exe. 15/28-29 (Saraff Venkatarao Vs Gurumurty Rao)
on the file of Munsiff Shimoga

Sir, With reference to your letter No. P 477 Law of 21st July 1931 I have the honour to forward herewith for your kind approval the objection Statement prepared on the lines noted in my predecessor's letter No. 606 of 19th May 1931 and to request you to kindly affix your Signatures thereon in the appropriate places and to return the same immediately as it is to be filed in Court on 5th August 1931.

I have the honour to be
Sir
your most obedient Servant
B. Krishna Rao
Public Prosecutor.

IN THE COURT OF THE MUNSIFF, SHIMOGA.

Exc. 15/28-29. O.S. 43/23-24.

Decreeholder. Judgment Debtor.

Saraff Venkatappa. VS Guru Murthi Rao.

Objections to the Decreeholder's application for the recovery of Rs 110/- from the Government:-

1. It is true that a warrant of attachment of the Judgment debtor's salary ~~was received~~ issued from this Court ~~by~~ was received by the Gubbi Sub Division Officer ~~and~~ on 21-8-29, but ~~that~~ that since he was directed ~~as pay disbursing Officer~~, to attach Rs 20/- out of the said salary, and

2. ~~But the undersigned denies that the Sub Division Officer was under any legal obligation to attach and remit at the rate of Rs 10/- per month as mentioned in the Decreeholder's petition.~~

3. The receipts of the attachment order ~~do~~ did not indicate that in case the pay of the judgment debtor was already under attachment but not to the full extent of the attachable portion the balance available was to be attached and remitted.

4. Moreover ~~that~~ The provision of Order 21, Rule 48 (2) C.P.C. provides for the return of the attachment warrant only when the attachable portion of the salary is being withheld in pursuance of a previous unsatisfied order of attachment and do not provide for a contingency that has happendd in this case.

5. That ~~after the Sub Division Officer's report to the effect that Rs 10/- (ten) out of the Judgment debtor's salary was being attached by the Co-operative Bank, the warrant was merely returned for execution without any specific direction, that Rs 10/- out of should be attached and sent and~~ it is only on 28-5-30, ~~when th~~

~~the case was adjourned to 2-7-30~~ that the court passed a specific order to attach at Rs 10/- per month.

6. The Sub Division Officer ~~has~~ complied with the said order, by executing the warrant on 2-6-30 and ~~attaching~~ remitting Rs 10/- ~~and has thus fulfilled the court's order~~ per month thereafter

wherefore this is submitted that

7. ~~The Sub~~ Undersigned denies ~~that~~ the Government ~~is liable at law to make good either Rs 110/- or any other sum to the Decreeholder in the matter of the attachment of Judgment debtors~~ has not incurred any liability under order 21 rule 48 cl(3) of the Civil Proceedure Code and ~~the new disbursing officer has not been committed any~~

IN THE COURT OF THE FIRST MUNSIFF BANGALORE.

EX 15 of 28-29.

O.S. 43 of 23-24.

Decreeholder.	Judgment debtor.
Saraff Venkatappa.	Guru Murthi Rao.

The undersigned, on behalf of Government, filed the following objections to the Decree holder's application under order 21 rule 48 C.P.Code:-

1) That it is true that on 21-8-29, the Gubbi Sub Divisional Officer received a warrant of attachment of pay of one Guru Murti Rao, a clerk in his office. The warrant required the Sub Division Officer to "with-hold a sum of Rs.868-13-0 from the salary of the said Guru Murti Rao in monthly instalments of Rs.20/- only and to remit the said sum (or monthly instalments) to this Court."

2) That the clerk was at the time drawing a salary of Rs.40 per month and that a sum of Rs.10/- out of it was already under attachment in pursuance of a decree obtained by the co-operative Bank. The Sub Divisional Officer returned the warrant to the Court with this information.

3) That after some correspondence it was only on 28-5-1930 that the Sub Division Officer was directed by the Court to attach a sum of Rs.10/- only from the salary of the Clerk.

4) That due effect was given to this order on 2-6-1930 and the Sub Division Officer has been remitting Rs.10/- per month thereafter.

5) That in the circumstances, there has been no non-

non-compliance of the warrant of attachment and ~~compliance~~ consequently Government has not incurred any liability under order 21 rule 48 clause (3) of the C.P. Code.

6) The allegations made in the application that the Sub Divisional Officer did not duly execute the warrant in order to help his subordinate, is false and frivolous.

Wherefore it is prayed that the application be dismissed with costs.

Chief Secretary to Government.

I. N. Madhava Rao, Chief Secretary to the Government of His Highness the Maharaja of Mysore, do hereby declare that what is stated above is true, so far as they are based on available records and in token thereof, I have affixed my signature this day

In the Court of the First Munsiff Bangalore

Ex 15 of 28-29

O.S. 42 of 23-24

Decreeholder

Saraff Venkatappa

Judgment Debtor

Guru Murti Rao.

The undersigned, on behalf of Government, files the following objections to the Decreeholder's application under order 21 rule 48 C.P. Code:—

1) That it is true that on 21-8-29, the Gubbi Sub Divisional officer received a warrant of attachment of pay of one Guru Murti Rao, a clerk in his office, ~~from this Court~~. The warrant required the Sub-Division officer to "withhold a sum of Rs 865-13-0 from the salary of the said Guru-murti Rao in monthly instalments of Rs. 20/- only, and to remit the said sum (or monthly instalments) to this Court

2) That the clerk was at the time drawing ~~Rs~~ as Salary of Rs 40 per month and that a sum of Rs 10/- out of it was already under attachment in pursuance of a decree obtained by the Cooperative Bank. The Sub Divisional officer returned the warrant

to the Court [illegible]

3) That after some correspondance it was only on 28/5/1930 that the Sub Dt officer was directed by the Court to attach Sum of Rs 10/- only from the salary of the clerk

4) That due effect was given to this

Appendix F G–1]

*SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 3 8 37

Signed by M'RM

List of enclosures.....

Copied by

Examined by.....

Section

File No.

Serial No.

No. 7204 (1)

To The PPr. Shimoga.

Sir, With reference to your letter no 33 dated 30th July 1931, I am directed to return herewith ~~duly revised and Signed by the~~ ~~C. Reader~~ the objection Statement duly revised & signed, for ~~the~~ being filed on 5th Aug/1931 in Ex. 15/20-29 on the file of the Munsiff Shimoga (Shanbh Venkat Rao vs Gurumurthi Rao)

~~forwarded with your letter no 33 dated 30th July 1931.~~

Further progress of the Case may kindly be intimated as usual

N.Madhava Rao,Esq., B.A., B.L.,

The Public Prosecutor,

Shimoga.

With reference to your letter No.33 dated 30th July 1931, I am directed to return herewith the objection statement duly revised and signed for being filed on 5th August 1931, in Ex.15/28-29 on the file of the Munsiff, Shimoga (Saraff Venkat Rao versus Gurumurthi Rao).

Further progress of the case may kindly be intimated as usual.

I have the honour to be,

Sir,

Your most obedient servant,

For Chief Secretary to Government.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 4.9.31

Signed by M' Rly

Section

File No.

Serial No.

No. 1440

To The Pr. Shimoga.

Sir,

I am directed to invite reference to his office letter No. P. 704 dated 3.8.31 returning the Objection Statement in Ex. Istrong on the file of the Munsiff Shimoga (Shroff Venkat vs Gummareddy) and to enquire as to what ~~request~~ progress was made in the case on 5th August & on which date a Called for ~~was~~ kind of. he it now stands posted

From The Public Prosecutor
Shimoga Division.

To The Secretary to Government,
General department,
Bangalore.

Dated 6-9-31.
Despatched
Received
General No. 79
No.

GENERAL SECRETARIAT
7 SEP 1931
No.

Enclosure No.

Sir,

With reference to your letter No. P. 1440 / Law of 4-9-31, I have the honour to state that objection statement on behalf of the Government was filed by me in court on 5th August and the case stands adjourned to 9th September 1931 for arguments.

I will intimate in due course the result after the next hearing date.

I have the honour to be,
Sir,
your most obedient servant

128/31
P

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No 90
Encl.

DATED. SHIMOGA THE 10th September 1931

From

B. KRISHNA RAO, ESQR., B. A., B. L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

GENERAL SECRETARY.
11 SEP. 1931
No

To The Secretary to Govt
General Department
Bangalore

Ex. No. 15/28-29 on the file of Munsiff of Shimoga. (Sheriff Venkatappa Vs K. Gurumurthi Rao)

Sir,

I have the honour to State that the above case stands adjourned from 9-9-31 to 16-9-31, as I was engaged in Shimoga Sessions case No. 1/31-32 on the latter date.

I have the honour to be,
Sir,
your most obedient servant,
B. Krishna Rao
public prosecutor,
Shimoga division.

GENERAL SECRETARIAT
19 SEP. 1928
No

A. Krishna Rao Esq BABL
Public Prosecutor

To

The Secretary to the Govt.
General Department
Bangalore

Subject - Exe. 15/28-29 [Shroff Venkatappa
Government Reg
Govt. of Mysore]
on the file of munsiff of
Shimoga

Sir

Arguments were heard today in the above case and the court has reserved for orders which will be pronounced on 30th inst and will duly communicate the court's orders

I have the honor to be
Sir
your most obedient
Servant
A. Krishna Rao
Public Prosecutor

From The Public Prosecutor,
Shimoga Division.

To The Secretary to Governme
General departmen
Bangalore

Dated 2-10-31.
Despatched
Received
General No. 113.
No.

GENERAL SECRETARY.
3 OCT. 1931
No.

Enclosure No.

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ir,

I have the honour to sta
that arguements were heard
n 16-9-31 in the marginal
oted case and posted to 30-9
n passing orders. Again the
ase is posted to 7-10-31 fo
rders, as no orders were p
n the previous date the
esult of the same will b
ntimated in due cours

OFFICE OF THE PUBLIC PROSEC
SHIMOGA DIVISION.

No 156.
Encl.

GENERAL SECRETARY.
7 NOV 1931
No. 1710

DATED. SHIMOGA THE 6 th November 1931.

From

B. KRISHNA RAO, ESQR., B. A., B. L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

4 10/11

To

The Secretary to the Government of Mysore
General Department
Bangalore

Subject — Re 15 / 28-29 on the file of Honble Shimoga
L. Sharaff & Venkatappa vs
Government of Mysore

Sir

In the above case which was reserved for orders after arguments — we pronounced — accused was on bail and hence we acting in accord

did not pass my orders

In the meantime, the

permanent - Smith who has

heard arguments - not been

transferred to Chickbeaupur

and is succeeded by

new Judge Hanza

2512/31

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No 195
Encl.

DATED. SHIMOGA THE 7 — 12 — 1931

GENERAL SECRETARY.
From 8 DEC 1931
No

B. KRISHNA RAO, ESQR., B. A., B. L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

To

The Secretary to Government,
General department,
Bangalore.

Ex. 15/28-29 on the file of Munsiff, Shimoga
(Shroff Venkatappa Vs Government).

Sir,

With reference to your letter No. P. 3168/Law D/ 5-12-31, I have the honour to state that the above case was adjourned from 25-11-31 to 30-11-31 and again to 6-[illegible]-32, as I was engaged in Shimoga Sessions on the latter

For Perusal
Further report is awaited.
9/12

56

dates. The result of the next hearing will be intimated in due course

I have the honour to be,

your most obedient Servant,

B Krishna Rao

public prosecutor.

3315 V[illegible]

PGPB- 67

19

From The Public Prosecutor
Shimoga

To The Chief Secretary
to
The Govt of Mysore
Bangalore

Dated

Despatched

Received

General No. 227

No.

Enclosure No.

Sir - Subject -
Re. 15 on the
file 28-29 Branch
L Shimoga
Shroff Venkatappa
Govt of Mysore
With Reference
to your letter No
P 6045 of 20th June
I have to honour
to state that -

of above case which
on 6th January was adjourned
to 12th January to enable my
counsel and that date as the matter
was on cause list has
been adjourned for arguments
to 27th instant
I will inform the

4373/31

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No. 286
Encl.

DATED, SHIMOGA THE 18th March 1932.

GENERAL SECRETARY
22 MAR. 1932
No. Law

From

B. KRISHNA RAO, ESQR., B.A., B.L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

To

The General Secretary to
the Govt of Mysore,
Bangalore.

Sir

Ex. 15/28-29 on the file of Munsiff of Shimoga
(Shroff Venkatappa vs Government)

with reference to your letter No. P.S.S.25/
Law dated 16th March 1932, I have the honour
to state that arguments were heard in the
above case on 16-3-32 and the case stands
adjourned for orders to 23-3-32. The result
of the same will be intimated in due course

I have the honour to be,
Sir
your most obedient servant,
B Krishna Rao
public prosecutor.

In Penal

4538/37

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No. 298
Encl.

DATED, SHIMOGA THE 31st March 1932.

From

B. KRISHNA RAO, ESQR., B.A., B.L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

To

The Chief Secretary to Govt
of Mysore, Bangalore

Subject Exe. No. 15/28-29 on the file of Munsiff of Shimoga (Shroff Venkataffa Vs Govt

In this case the Munsiff passed orders on 23-3-32 dismissing with costs the decree holder's petition seeking to make the Govt liable for the sum of Rs 110 which was not with held from the salary of Guruswathi Rao by the Sub division officer

I have the honour to be,
Sir,
your most obedient servant

B Krishna Rao
public prosecutor

Appendix F G—1]

SUBJECT .....

.....

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Section

File No.

Serial No.

Diary No. of letter replied to .....

No. 5839

To The PPr. Shimoga

Subject:- Ex: no. 15 pending on the file of the Munsiff Shimoga (Shroff Venkappa vs Govt)

General and Revenue Secretariat

( )

the *193*

Date of issue 5/4/32

Sir,

Signed by .....

With reference to your letter no. 298 dated 31st March 1932 intimating that the decree holder's petition in the above case has been dismissed with costs, I am directed to request that a copy of the order may kindly be sent early for information of Govt. as required by the Rules for the conduct of legal Affairs

9

276/32

OFFICE OF THE PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

No. 12
Encl. 5 Sheets.

DATED, SHIMOGA THE 12th July 1932.

From

B. KRISHNA RAO, ESQR., B.A., B.L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

To

The General Secretary to
the Govt of Mysore,
Bangalore

Sir,

With reference to your letter No P. 194 D/9-7-32, I have the honour to forward herewith the copy of order passed in Et. 15/28-29 on the file of Munsiff of Shimoga (Shroff Venkataffa Vs Government). The delay may kindly be excused as the undersigned was busy with continued Sessions since 18th May last. I have the honour to be,

Sir,

your most obedient servant

B Krishna Rao Asst
Public Prosecutor.

TWO ANNAS

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GOVT OF MYSORE

In the Court of the Munsiff, Shimoga

R. Execution Case no 15 of 28-29.

Dated 23rd March 1932.

Present :- S. Srinivasan Esqire BA. B.L.

Munsiff

petitioner :- S. Venkatappa s/o Rangappa
(decree Holder)
Resident of Shimoga.

Opponent :- Chief Secretary to the
Govt of Mysore Bangalore.

Order on Serial no 1 in Ex 15/28-29

It was contended on behalf
of the petitioner that when the
Sub division officer was ordered to
attach Rs 20/- of the judgment debtor's
pay on 18-8-29 the attachable portion
of the salary (which in his case
would be Rs 20/-) was not
being withheld and remitted to

a

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TWO ANNAS
GOVT OF MYSORE
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a court in pursuance of a previous and unsatisfied order and that the Sub division officer failed "forthwith" to return the order of this Court with full statement of the particulars. The Sub division officer no doubt returned it on 29-9-29 delaying it for 10 days and that cannot be construed as a return forthwith and as regards the other contention there is not much point the Sub division officer has pointed out that 10 Rs was already being attached in pursuance of a co-operative society there and that it would be hard to recover Rs 20/- as ordered under the law there was only Rs 10/- more of the

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TWO ANNAS
GOVT OF MYSORE
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The attachable Salary lep- ~~to~~ so that the order of this Court to attach Rs 20/- could not- have been enforced. The petitioner persists in contending that- Rs 50/- was the Salary of the official and the reminder issued from this Court was addressed to Haddageri Sub division officer on 18-3-30 under an impression that- the official concerned was in his office. This was returned on 20-5-3 pointing out- that- the attachable portion was only 20 Rs the clerk pay being Rs 40/- and not- Rs 50/ Under such circumstances the order of this Court- to attach Rs 2 being in excess of the attachable proportion cannot- bind Governmen

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TWO ANNAS

MYSORE

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It is as from 31-5-30, when the final order was issued to attach Rs 10/- that the liability is fixed. If there is breach in this, the petitioner has his remedy. But that is not his present grievance. The learned counsel for him argued that for some months now even this amount is not being received. That is a matter which he has to verify and move for separately, if true.

Petition dismissed Costs Re 1/-.

In open Court.

(Signed) S. Srinivasan
Munsiff
23-3-32

True Copy

Head Munshi

Ca
60 Mr B Meenakshi Rao

Applicant told

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2-6-32	30/6/32	30/6/32	On 28-6-32 to produce Exhibit 37/32	24/29 -6-32

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30/6/32	30/6/32	W. Mackay	

TWO ANNAS

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MYSORE

In the Court of the Munsiff of Shimoga

Rs 15 / 28-29 (Suit 1).

petitioner 3783 opponent-

S. Venkatappa Chief Secretary to the Govt

Memo of costs.

By the petitioner - By the opponent

Court-fee 8- on the petition = 012-0 - 000

do on the Vakalath = 0-0-0 - 0-8-0

do on processes — 010-0 - 000

Readers fee — 1-00 1-00

Total 2-6-0 = 1-8-0.

It is ordered that the petitioner do pay to the opponent Rs 1-8-0 being the costs incurred by him in the above case

Shimoga dtd) S.S.

Munsiff

23/3/32

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22-6-32	30/6/32	30/6/32		

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30/6/32	30/6/32	Sr. Madhava Rao	